

Senate File 196 - Introduced

SENATE FILE _____
BY McKINLEY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the civil commitment of a juvenile sexually
2 violent predator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1685XS 83
5 jm/rj/8

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1 1 Section 1. Section 229A.2, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 As used in this chapter, unless the context otherwise
1 4 requires:
1 5 Sec. 2. Section 229A.2, Code 2009, is amended by adding
1 6 the following new subsection:
1 7 NEW SUBSECTION. 5A. "Person" includes a juvenile
1 8 adjudicated to have committed a sexually violent offense and a
1 9 juvenile excluded from the jurisdiction of the juvenile court
1 10 pursuant to section 232.8 and convicted in adult court of a
1 11 sexually violent offense.
1 12 Sec. 3. Section 229A.3, subsection 1, Code 2009, is
1 13 amended by adding the following new paragraph:
1 14 NEW PARAGRAPH. d. The final discharge of a juvenile
1 15 adjudicated to have committed a sexually violent offense.
1 16 Sec. 4. Section 229A.3, Code 2009, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 6. Notwithstanding sections 232.147
1 19 through 232.151, records concerning adjudications which are
1 20 committed by a juvenile may be released in the same manner as
1 21 records of convictions of adults for the limited purpose of
1 22 civil commitment under this chapter and for escapes under
1 23 section 229A.5B.
1 24 Sec. 5. Section 229A.4, subsection 2, Code 2009, is
1 25 amended by adding the following new paragraph:
1 26 NEW PARAGRAPH. d. The juvenile was adjudicated to have
1 27 committed a sexually violent offense.
1 28 Sec. 6. Section 229A.5, subsection 1, Code 2009, is
1 29 amended to read as follows:
1 30 1. Upon filing of a petition under section 229A.4, the
1 31 court shall make a preliminary determination as to whether
1 32 probable cause exists to believe that the person named in the
1 33 petition is a sexually violent predator. Upon a preliminary
1 34 finding of probable cause, the court shall direct that the
1 35 person named in the petition be taken into custody and that
2 1 the person be served with a copy of the petition and any
2 2 supporting documentation and notice of the procedures required
2 3 by this chapter. If the person is in custody at the time of
2 4 the filing of the petition, the court shall determine whether
2 5 a transfer of the person to an appropriate secure facility is
2 6 appropriate pending the outcome of the proceedings or whether
2 7 the custody order should be delayed until the date of release
2 8 of the person. If the person placed at an appropriate secure
2 9 facility is a juvenile, the person shall be segregated at all
2 10 times from other persons who are not juveniles placed at the
2 11 facility.
2 12 Sec. 7. Section 229A.7, subsection 7, Code 2009, is
2 13 amended to read as follows:
2 14 7. The control, care, and treatment of a person determined
2 15 to be a sexually violent predator shall be provided at a
2 16 facility operated by the department of human services. At all
2 17 times prior to placement in a transitional release program or
2 18 release with or without supervision, persons committed for

2 19 control, care, and treatment by the department of human
2 20 services pursuant to this chapter shall be kept in a secure
2 21 facility and those patients shall be segregated at all times
2 22 from any other patient under the supervision of the department
2 23 of human services. In addition, if the committed person is a
2 24 juvenile, the person shall be segregated at all times from
2 25 other committed persons under this chapter who are not
2 26 juveniles and from any other patient under supervision of the
2 27 department of human services. A person committed pursuant to
2 28 this chapter to the custody of the department of human
2 29 services may be kept in a facility or building separate from
2 30 any other patient under the supervision of the department of
2 31 human services. The department of human services may enter
2 32 into a chapter 28E agreement with the department of
2 33 corrections or other appropriate agency in this state or
2 34 another state for the confinement of patients who have been
2 35 determined to be sexually violent predators. Patients who are
3 1 in the custody of the director of the department of
3 2 corrections pursuant to a chapter 28E agreement and who have
3 3 not been placed in a transitional release program or released
3 4 with or without supervision shall be housed and managed
3 5 separately from criminal offenders in the custody of the
3 6 director of the department of corrections, and except for
3 7 occasional instances of supervised incidental contact, shall
3 8 be segregated from those offenders.

3 9 Sec. 8. Section 229A.8A, subsection 5, Code 2009, is
3 10 amended to read as follows:

3 11 5. Committed persons in the transitional release program
3 12 are not necessarily required to be segregated from other
3 13 persons unless the person is a juvenile.

3 14 EXPLANATION

3 15 This bill modifies the provisions of Code chapter 229A to
3 16 specify that a juvenile may be civilly committed as a sexually
3 17 violent predator.

3 18 Under the bill, a juvenile adjudicated to have committed a
3 19 sexually violent offense and a juvenile excluded from the
3 20 jurisdiction of the juvenile court who was convicted of a
3 21 sexually violent offense in adult court may be civilly
3 22 committed as a sexually violent predator.

3 23 The bill allows records concerning adjudications which are
3 24 committed by a juvenile to be released in the same manner as
3 25 records of convictions of adults for the limited purpose of
3 26 civil commitment under the bill and for escapes under Code
3 27 section 229A.5B.

3 28 The bill provides that upon the filing of a petition for
3 29 civil commitment and preliminary finding of probable cause,
3 30 the juvenile may be taken into custody or be transferred to an
3 31 appropriate secure facility pending a final determination in
3 32 the proceeding. The bill specifies that a juvenile placed at
3 33 an appropriate secure facility shall be segregated at all
3 34 times from other persons who are not juveniles placed at the
3 35 facility.

4 1 If a juvenile is determined to be a sexually violent
4 2 predator, the control, care, and treatment of the juvenile
4 3 shall be provided at a facility operated by the department of
4 4 human services in the same manner as other sexually violent
4 5 predators. However, the bill provides that a juvenile
4 6 sexually violent predator shall be segregated at all times
4 7 from an adult sexually violent predator and from any other
4 8 patient under supervision of the department of human services.

4 9 The bill also specifies a juvenile sexually violent
4 10 predator who is in a transitional release program shall be
4 11 segregated from an adult sexually violent predator.

4 12 The other provisions of Code chapter 229A which are
4 13 applicable to an adult sexually violent predator are
4 14 applicable to a juvenile sexually violent predator.

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